

The meeting of the Berne Board of Zoning Appeals was held on Monday, June 17, 2019 at 6:00 P.M. in the Conference Room at City Hall, Berne Indiana according to the posted notice.

MEMBERS PRESENT

Jerry Burke Present
Mike Habegger **Absent**
Brent Lehman Present

Tony Mellencamp Present
Linda Steury Present
Tom Stuber Present

STAFF PRESENT

Director, Shannon Smitley

Board Attorney Dave Baumgartner

Present from the City of Berne

Mayor Bill McKean

GUESTS PRESENT : Jon M and Lara Collett, 566 Baltimore, Berne Indiana and the Berne Witness.

Tony Mellencamp called the meeting to order and verified a quorum. Notice of the hearing was advertised in the Berne Witness according to state statute and an agenda was posted at the door. Letters and an agenda were sent to the adjacent property owners advising them of the hearing.

Election of Officers for 2019 On a motion by Brent Lehman and a second by Linda Steury, the board nominated and approved the same officers from 2018 as follows: President Tony Mellencamp, Vice President Mike Habegger, Secretary of the Board, Jerry Burke. **5 years -0 nays**

Public Hearing BZA 2019-1 Variance Request BZA 2019-1 filed by Jon M. Collette on property at 524 N US 27 Berne Indiana. The petitioner will be asking for a variance for the purpose of having a drive thru pick-up window on the south side of the building which will house a coffee shop.

Shannon Smitley advised the board that the property is zoned B-1- Neighborhood Business, but because the petitioner is planning to provide a drive-thru pick up window for his coffee shop, and because the proposed driveway abuts a property zoned R-2 Multi-family, a variance is needed.

Mr. Collette came before the board to answer any questions and to also share a drawing of his plans. He hopes to have extended hours with plans to be operational by October of this year with a menu featuring coffee beverages, salads, baked goods, soups and sandwiches but will not have a deep fryer. When asked about the surface of the drive thru, Mr. Collette stated that the parking lot and the drive thru will be a solid surface and most likely asphalt.

After hearing all those wishing to be heard, Tony called for the reading of the Finding of the Facts

1. Approval **will not** be injurious to the public health, safety, morals and general welfare of the community because:
2. The use and value of the area adjacent to the property included in the Variance **will not** be affected in a substantially adverse manner because *there is an empty lot to the north and a line of trees to provide a buffer for the property to the south.*
3. The need for the Variance **does** arise from some condition peculiar to the property involved: *Variance is needed for the drive-thru*
4. The applicant **did** establish that the strict application of the terms of the Zoning Ordinance constitute an unnecessary hardship if applied to the property for which the Variance Request is sought because: *he could not have a drive thru without the variance.*
5. The petitioner **has** established that approval **does not** interfere substantially with the comprehensive plan of the City of Berne.
6. If granted, the board prescribes the following conditions: *the drive thru lane must be hard surface.*

(DECISION)

Therefore, on a motion by Linda Steury and a second by Tom Stuber, the decision of the Board of Zoning Appeals unanimously approved the Variance Use request of BZA 2019-1 as presented.

Adopted this the 17th day of June 2019, 5 yeas -0 nays

BERNE BOARD OF ZONING APPEALS

Tony Mellencamp-yea

Jerry Burke- yea

Linda Steury-yea

Ton Stuber-yea

Brent Lehman-yea

REGULAR MEETING

Approval of Minutes. Linda Steury made a motion to approve the minutes of December 10, 2018 and Jerry Burke made the second. On a vote of 5-0, the minutes were unanimously approved.

Old Business- None

New Business- Shannon advised the board that there is a hearing pending for a food truck on private property. Should the applicant wish to proceed, a meeting will be called as soon as possible. There is another potential food truck request, but the person making the inquiry has not proceeded at this point.

Closing of Meeting. On a motion by Jerry Burke and a second by Brent Lehman the meeting was adjourned. **5 yeas -0 nays**